

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DANIEL CARSTAIRS, on behalf of himself
and all others similarly situated,

Plaintiff,

- vs -

UNIVERSITY OF ROCHESTER,

Defendant.

Civil Action No.:
20-cv-06690-CJS

**DECLARATION OF
ROBERT L. CLARK, Ph.D.**

Robert L. Clark, Ph.D., pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct, unless stated upon information and belief:

1. I am a legal adult of sound mind, have personal knowledge of the facts stated in this declaration, and, if called upon to do so, could testify competently to those facts.

2. I am Provost and Senior Vice President for Research for the University of Rochester (“Rochester”).

3. I submit this declaration in support of Rochester’s Motion to Dismiss Plaintiff’s Amended Complaint Under Fed. R. Civ. P. 12(b)(6).

4. I understand that Plaintiff’s Amended Complaint links to a document called “University of Rochester – Credit Hour Policy and Compliance” (*see* Am. Compl., ¶ 25 n.3). The undated document linked to by the Amended Complaint is not the version of Rochester’s Credit Hour Policy and Compliance that was in effect for the Spring 2020 semester or for any term thereafter. A true and correct copy of “University of Rochester – Credit-Hour Policy and Compliance” (the “Credit-Hour Policy”)—which has been in effect since March 2019, was in effect during the Spring, Summer, and Fall 2020 semesters, and remains in effect today—is attached hereto as Exhibit A. The Credit-Hour Policy is and was made available to students on

the Office of the Provost's section of Rochester's website, which provides a link to the Credit-Hour Policy among Rochester's "Academic Policies & Procedures" related to Academic Administration. See www.rochester.edu/provost/academic-policies-procedures/ (last visited Feb. 2, 2021) (linking to the Credit-Hour Policy under "Verification of Compliance").

5. On or about June 19, 2020, I disseminated to the Rochester community a message regarding Rochester's plans for the forthcoming Fall 2020 semester via Rochester's website. See <https://www.rochester.edu/coronavirus-update/a-message-from-provost-rob-clark-about-our-upcoming-academic-year/> (last visited Feb. 2, 2021). A true and correct copy of that message is attached hereto as Exhibit B.

6. As my message to the Rochester community indicated, each of Rochester's several schools developed its own plans for learning and shared spaces for the Fall 2020 semester. On or about August 6, 2020, the College of Arts, Sciences and Engineering published a list of Fall 2020 Classroom Assignments to provide information on its courses for Fall 2020. A true and correct copy of that document is attached hereto as Exhibit C.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: February 4, 2021



Robert L. Clark, Ph.D.